



COLORED POLYMER MUSICAL INSTRUMENT MOUTHPIECE  
Appln. No. 10/735,206  
Atty. Docket No. 535.19011

**DECLARATION OF PRIOR INVENTION TO OVERCOME CITED PATENT  
OR PUBLICATION UNDER CFR 1.131**

James Kelly, declares that he is the inventor who on 12 December 2003 filed the above-referenced patent application;

that he conceived his invention in this country long prior to 23 September 2001 (hereinafter the effective date), the date the Mad-Max mouthpiece was first offered for sale, this date verified via web.archive.org (see Exhibit A);

that long prior to the effective date he prepared drawings of his invention, a copy of which is attached hereto and labeled as Exhibits B - D;

that long prior to the effective date he prepared and refined a series of prototypes, photographs of which are attached hereto and labeled as Exhibits E through N;

that he planned to unveil his invention at "The Midwest Clinic", a music trade show, on 19 September 2001, and rented booth space there, however although product samples were ready, advertising was not, and therefore the invention was not disclosed;

that the product was first publicly disclosed at "The Midwest Clinic" in Chicago, IL on 18 December 2002;

that he first met with a patent attorney, Donald Cayen on 21 January 2003 to discuss the possibility of filing a patent application;

that Attorney Donald Cayen conducted a preliminary patentability search on his invention on or about 26 March 2003;

that he caused his attorney to conduct a further patentability search on his invention on or about 26 June 2003;

that he received the results of the patentability search on or about 27 June 2003;

that he authorized his attorney to prepare the above-identified patent application on or about 15 October 2003;

that he worked substantially and continuously with his attorney from 21 January 2003 until the application was filed with the United States Patent and Trademark Office on 12 December 2003;

that all statements herein of his own knowledge are true and that all statements made on information and belief are believed to be true;

and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

James Kelly

U.S.A.

Country of Citizenship

Residence N5040 County Y  
Oakfield, WI 53065

Post Office Address

10/26/05

Date

Enter Web Address: 

All

[Take Me Back](#)

Adv. Search Compare Archive Pages

Searched for <http://www.bestproducts.com> 45 ResultsNote some duplicates are not shown. [See all.](#)

\* denotes when site was updated.

### Search Results for Jan 01, 1996 - Oct 25, 2005

1996	1997	1998	1999	2000	2001	2002	2003	2004	2005
0	0	0	3 pages	4 pages	6 pages	11 pages	10 pages	10 pages	0 pages

Jan 25, 1999 *	Mar 04, 2000	Feb 17, 2001 *	Jan 21, 2002	Feb 02, 2003 *	Jan 31, 2004
Feb 03, 1999 *	May 20, 2000 *	Mar 08, 2001	May 31, 2002 *	Feb 05, 2003	Mar 29, 2004
Oct 09, 1999 *	Jun 15, 2000 *	Apr 02, 2001	Jun 04, 2002	Feb 11, 2003	Mar 31, 2004
	Oct 14, 2000	May 15, 2001	Jul 20, 2002 *	Feb 16, 2003	May 21, 2004
		Sep 23, 2001 *	Jul 26, 2002	Mar 29, 2003	* May 24, 2004
		Dec 02, 2001 *	Aug 04, 2002	Apr 10, 2003	May 26, 2004
			Sep 21, 2002 *	May 26, 2003	Jun 10, 2004
			Sep 24, 2002	Jun 06, 2003	Jun 30, 2004
			Sep 26, 2002	Jun 18, 2003	Sep 25, 2004 *
			Nov 22, 2002 *	Jun 22, 2003	Nov 18, 2004
			Nov 30, 2002		

[Home](#) | [Help](#)[Internet Archive](#) | [Terms of Use](#) | [Privacy Policy](#)

## Welcome to The Ultimate Site for Band Instruments

*The source for information on music hardware, new products, research news and more!*

The home of



*Innovative Maintenance Products for Musical Instrument Owners*



October 25, 2005.

[Home](#) | [Products](#) | [New Items](#) | [Store](#) | [Mail us](#) | [Become an affiliate](#)

[Sign The Guest Book](#)  
win free stuff

[Music Makes You Smarter!](#)  
[Find out the Latest Research.....](#)

[How to Buy A Musical Instrument](#)

[The History of Horn Flush](#)

[Where can I find a Horn Flush Dealer?](#)

Data Bar 101  
Learning & Research

MUSICA  
[MUSICA Research Notes](#)

Happy Birthday to the Piano  
[Piano300](#)

JAZZ  
[Louis Armstrong Jazz Oral History Project](#)

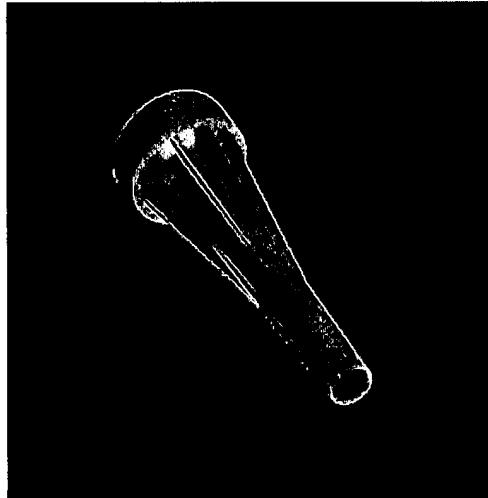
Tired of surfing the Web?  
[Center for the Easily Amused :~\)](#)

Music Sites  
Listener Supported  
[JAZZ Radio WBGO](#)  
[Real Jazz Right Now!](#)

Business News  
[MSN Entertainment News](#)

**SPEED UP +CLEAN YOUR PC NOW**

**Best Products International announces breakthrough in trumpet mouthpieces  
MAD MAX**



### Comments From the Pros

"From pedal tones to cc, triple tonguing, slurring WOW! It's amazing. In switching between my Schilke 13 1/2 gold plated & the mmppt300 I could not notice any difference This Mouthpiece is Outstanding"

Regent Scott

"MAD MAX is great. I take it with me on tour. Very comfortable and easy to play. Thanks!"

Eddie Henderson  
mmppt700

### MAD-MAX

[Click here to see more comments](#)

**New Polycarbonate design plays comparable to brass.**

NEW YORK - Best Products International President/ CEO Gerry Cousins announced the latest breakthrough in the ongoing quest to advance the playing and maintenance of brass instruments. The MAD MAX articulated design, polycarbonate mouthpiece.

Cousins said: "We finally achieved, what could be considered, the most significant change in the mouthpiece design for brass instruments." "Our engineers have created a design (patent pending) that replicates the traditional cup, throat, back bore dimensions and performance of brass mouthpieces yet avoids the pitfalls usually encountered with plastics" By precisely calibrating and locating the articulated fins around the bore, Cousins and his engineers discovered the acoustic resonance properties could be controlled, thus giving the player the similar lip response of metal. In addition, the polycarbonate is more durable. It is less



**ZAJA Valve Oil and Slide Lubricant** Superior by design.

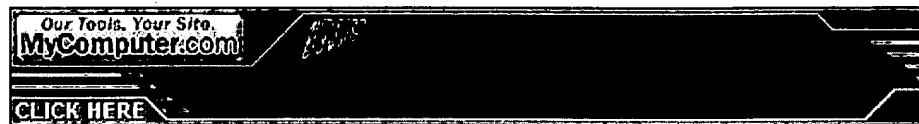
**Horn Cryogenics** Improve your sound, Improve your horn



### October Birthdays

1 Julie Andrews, Vladimir Horowitz	2 Sting, Don McLean, Groucho Marx	3 Chubby Checker, Stevie Ray Vaughn
7 John Cougar Mellencamp Yo-Yo Ma	9 John Lennon	10 Thelonious Monk, Giuseppi Verde
11 Art Blakey	12 Luciano Pavarotti	13 Roy Brown, Paul Simon, Art Garfunkel, Marie Osmond
16 Big Joe Williams	17 Barney Kessel	18 Winton Marsalis, Chuck Berry
20 Tom Petty, Charles Ives	21 Dizzie Gillespie	22 Franz Lizst
23 Shirley Caesar <"Wierd" Al Yankovic	25 Minnie Pearl, George Bizet	26 Charlie Barnet, Mahalia Jackson
28 Bill Gates, Charlie Daniels	30 Grace Slick, Charles Atlas Clifford Brown, Grace Slick	
<a href="#">Click here to find more of TODAY'S Birthday Boys &amp; Girls</a>		

Know your favorite musician or stars birthday? Drop us an email, we'll post it on our calendar. [CLICK HERE TO MAIL US](#)



### If you Surf, You're in Serious Trouble - It's a Proven Fact!

Deleting "Internet Cache and History" will NOT protect you because any of the Web Pages, Pictures, Movies, Videos, Sounds, E-mail, Chat Logs and Everything Else you see or do could easily be recovered to Haunt you forever! How would you feel if a snoop made this information public to your Spouse, Mother & Father, Neighbors, Children, Boss or the Media? It could easily Ruin Your Life! Solve all your problems and enjoy all the benefits of an "As New PC", Evidence Eliminator can Speed-Up your PC/Internet Browser, reclaim Hard Disk space and Professionally Clean your PC in one easy mouse click!

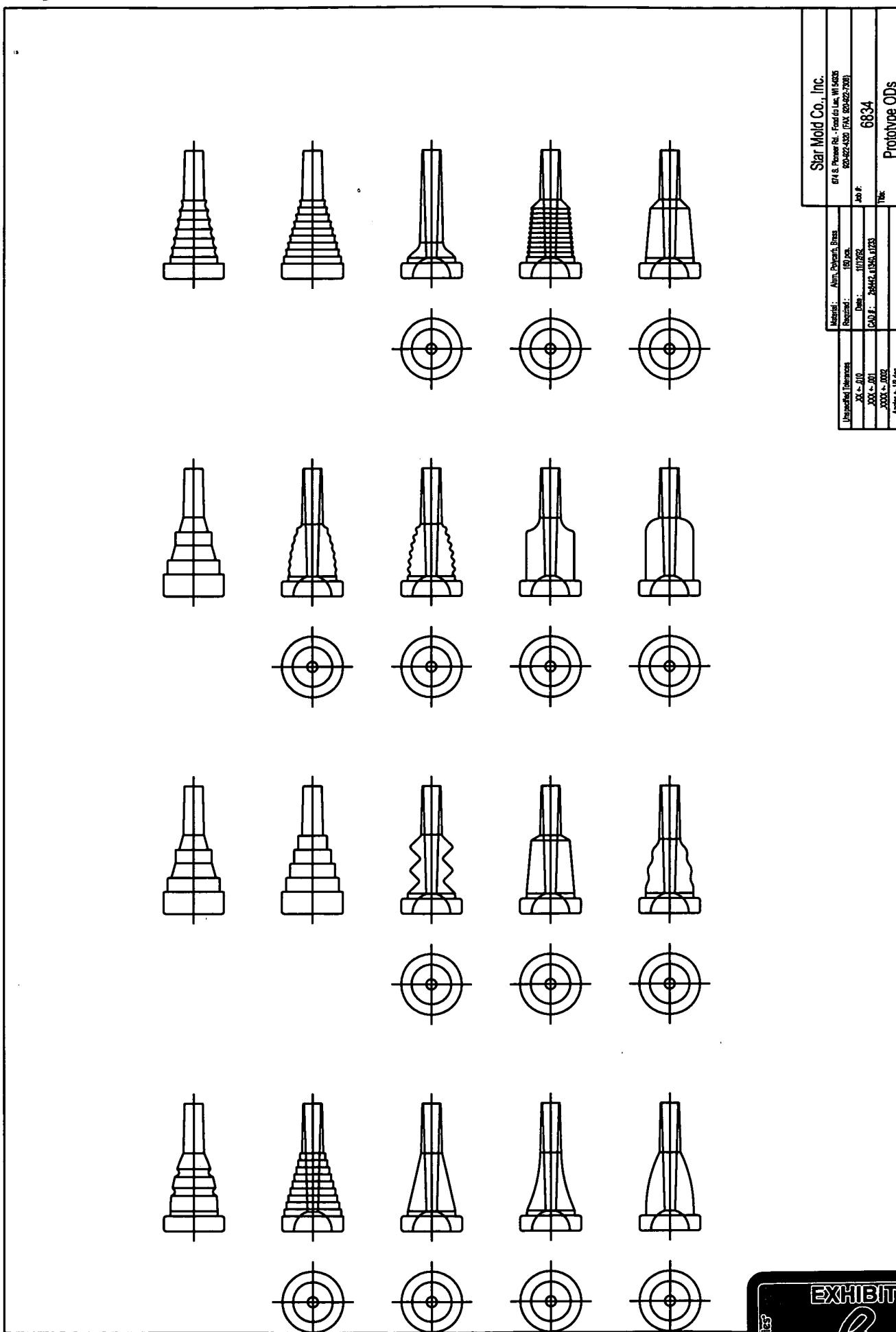
[CLICK HERE TO DOWNLOAD NOW!](#)

[Return to Top](#)

We are committed to serving by providing the highest quality products possible with the least impact on the environment to our customers, dealers, employees and vendors throughout the world. This servanthood is manifested through superior research and development, excellent service and honest communication. Our corporate model is based on biblical scripture as example by the servant leader Lord Jesus Christ. Our business is dedicated to Him, and we have dedicated ourselves to modeling His example - and with His help achieve the goals set to the best of our ability.

Copyright Best Products Intl., Inc. 1997- 2001  
Horn Flush, Case Magic, First Chair and Grandpa Mac's are registered trademarks  
Best Products International, Inc  
For comments on this site contact WEBMASTER

1



Star Mold Co., Inc.  
614 S. Power Rd., Fond du Lac, WI 54935  
(920) 922-1323, FAX: (920) 922-7285  
Name: Alan Pevsner, Date: 10/17/92  
Received: 10/17/92 Job #: 6834  
Unfinished Tolerance: .001-.010  
.000-.001 CAD #: 28442.1554.0123  
.0001-.0002 As-Is -.0005

EXHIBIT  
B